

APPROVAL OF CONSENT AGENDA

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan AICP, Acting Development Services
Director/(954)797-1101

PREPARED BY: Carlo F. Galluccio III Planning Aide

SUBJECT: Delegation Application: DG 10-1-07/08-3 / The Plaza / 11400 State Road 84/ Generally located on the east side of State Road 84 and the southwest coner of Hiatus Road.

AFFECTED DISTRICT: District 3

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "THE PLAZA"; PROVIDING FOR THE MAYOR'S SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 10-1-07, The Plaza, 11400 State Road 84) (tabled from January 16, 2008)

REPORT IN BRIEF: The applicant is requesting approval to amend the restrictive note on the boundary plat known as "The Plaza":

From: Parcel A-153,122 square feet of Commercial; Parcel B is restricted to 8,750 square feet of Commercial

To: Parcel A-153,122 square feet of Commercial; Parcel B is restricted to 20,750 square feet (2,200 existing and 18,550 Proposed) of Commercial. Freestanding and/or drive-thru bank facilities are not permitted on Parcel B without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

PREVIOUS ACTIONS: At the December 12, 2007 Town Council meeting, this application was tabled to January 16, 2008 the meeting. **(Motion carried 5-0)**

At the January 16, 2008 Town Council meeting, this application was tabled to the February 6, 2008 meeting. **(Motion carried 5-0)**

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Justification letter, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A DELEGATION REQUEST TO CHANGE THE
RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE PLAZA;
PROVIDING FOR THE MAYOR'S SIGNATURE; AND PROVIDING
FOR AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as "The Plaza" was approved through resolution by Town Council of Town of Davie on March 7, 1984; and,

WHEREAS, the owner desires to revise the restrictive note associated with said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the "The Plaza" plat. The proposed revision being specifically described in the planning exhibits attached hereto.

SECTION 2. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie transit concurrency areas to the greatest extent possible.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

Exhibit (Justification Letter 1 of 3)

BILLING, COCHRAN, HEATH, LYLES, MAURO & ANDERSON, P.A.

LAW OFFICES

POST OFFICE BOX 21627

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GREGORY M. KEYSER
GERALD L. KNIGHT
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ALINE O. MARCANTONIO
KRISTA K. MAYFIELD
SHAWN B. MCKAMEY
JOHN B. MOORES
MICHAEL J. PAWELCZYK
T. CHRISTINE PEREZ
ANDREW A. RIEF
PHILLIP W. THRON

PLEASE REPLY TO:
FORT LAUDERDALE



October 9, 2007

Ms. Marcie Nolan, AICP
Acting Planning and Zoning Manager
Town of Davie
6591 Orange Drive
Davie, Florida 33314

Re: Application to Amend Notation on Plat - The Plaza Plat - Parcel B

Dear Ms. Nolan:

We represent Curtis and Marilyn Deem, the owners of Parcel B of the Plaza Plat, recorded at Plat Book 125, Page 33 (the "Plat"). We are requesting a change in the commercial square footage for Parcel B to increase the square footage from 8,750 to 20,750 square feet of commercial. Parcel B is currently improved with 2,200 square feet of commercial use including a convenience store of 1,400 square feet and a car wash of 800 square feet. The purpose of the request is to permit Parcel B to be reasonably developed for commercial uses and to allow the property to reach its maximum potential.

The current notation on the Plat containing the development restriction reads as follows:

Parcel A-153,122 square feet of commercial; Parcel B is restricted to 8,750 square feet of commercial.

{00005618.DOC v.1 10/9/2007 02:11 PM}

Exhibit (Justification Letter 2 of 3)

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The note also contains standard language required by Broward County which provides that a building permit must be obtained within five years, or additional findings of adequacy will be required, and that infrastructure improvements must be installed within five years. This notation was imposed pursuant to an Agreement recorded in OR book 32110, Page 1744 of the Public Records of Broward County.

On August 7, 2007, the Board of County Commissioners of Broward County approved an amendment to the notation on the Plat, amending the note on Parcel A, to read as follows:

Parcel A is restricted to 183,000 square feet of commercial use.
Parcel B is restricted to 8,750 square feet of commercial use. Free standing and/or drive-thru bank facilities are not permitted on Parcel A without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

The applicant has six (6) months from the date of approval to record an agreement containing the newly approved language. Leigh Kerr, who represents the owner of Parcel A, advises that the agreement is in the process of being executed and recorded, but has not been recorded as of the date of this submittal. We will monitor this matter and advise the Town at such time as the agreement is recorded in the Public Records of Broward County.

Therefore, at your direction, we propose to amend the notation as shown in the Application submitted with this letter based on the existing language of the note to read as follows:

Parcel A-153,122 square feet of commercial; Parcel B is restricted to 20,750 square feet (2,200 existing and 18,550 proposed) of commercial. Freestanding and/or drive-thru bank facilities are not permitted on Parcel B without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

At such time as we determine that the agreement for amendment of the notation on the Plat based on the August 7, 2007 approval by the County Commission has been recorded in the Public Records of Broward County, we will change our request to amend the notation on the Plat to the following language:

Parcel A is restricted to 183,000 square feet of commercial use.
Parcel B is restricted to 20,750 square feet (2,200 existing and 18,550 proposed) of commercial use. Freestanding and/or drive-thru bank facilities are not permitted without the approval of the Board of

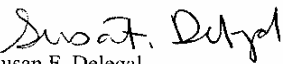
Exhibit (*Justification Letter 3 of 3*)

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County Commissioners who shall review and address these
uses for increased impacts.

Please let me know if there is any further information that you require.

Very truly yours,


Susan F. Delegal
For the Firm

SFD/rm

THIS INSTRUMENT WAS PREPARED BY
DANIEL CARMANIAN
CARMANIAN ENGINEERING, INC.
400 S. CALVERT STREET, SUITE 200
BIRMINGHAM, AL 35203

THE PLAZA
A PLAT OF A PORTION OF SECTION 12, TOWNSHIP 50 SOUTH, RANGE 40 EAST,
TOWN OF DAVIE, BROWARD COUNTY, FLORIDA

PLAT BOOK 443 PAGE 32
SHEET 2 OF 3

DEDICATION:

STATE OF FLORIDA, ss
COUNTY OF BROWARD, ss

DOE ALL OF THESE PRESENTS THAT SHERA, A 24-HOUR ADULT SWIMMING, GOLF AND THE
OTHER ACTIVITIES IN THE COMMONS AREA, AND THAT THE COMMONS AREA, INCLUDING
THE COMMONS AREA, IS HEREBY DEDICATED TO THE PUBLIC
FOR RECREATION PURPOSES, (OWNERS EXCEPT PARCELS 61)
BY SHERA, SERVICE CORPORATION, INC., A
FLORIDA CORPORATION, IN AND FOR THE
COUNTY OF BROWARD, FLORIDA
BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC.
PRESIDENT

ACKNOWLEDGEMENT:

STATE OF FLORIDA, ss
COUNTY OF BROWARD, ss

THE FOREGOING DEDICATION WAS MADE AND ACKNOWLEDGED BEFORE ME ON BEHALF OF THE
BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC., A
FLORIDA CORPORATION, IN AND FOR THE
COUNTY OF BROWARD, FLORIDA
BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC.
PRESIDENT

ACKNOWLEDGEMENT:

STATE OF FLORIDA, ss
COUNTY OF BROWARD, ss

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BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC., A
FLORIDA CORPORATION, IN AND FOR THE
COUNTY OF BROWARD, FLORIDA
BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC.
PRESIDENT

CONSENT OF NEIGHBORHOOD:

STATE OF FLORIDA, ss
COUNTY OF BROWARD, ss

DOE ALL OF THESE PRESENTS THAT SHERA, SERVICE CORPORATION, INC., A
FLORIDA CORPORATION, IN AND FOR THE
COUNTY OF BROWARD, FLORIDA
BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC.
PRESIDENT

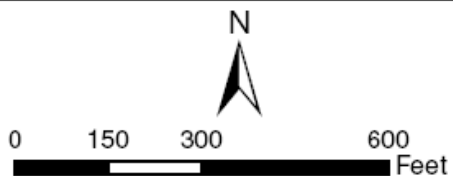
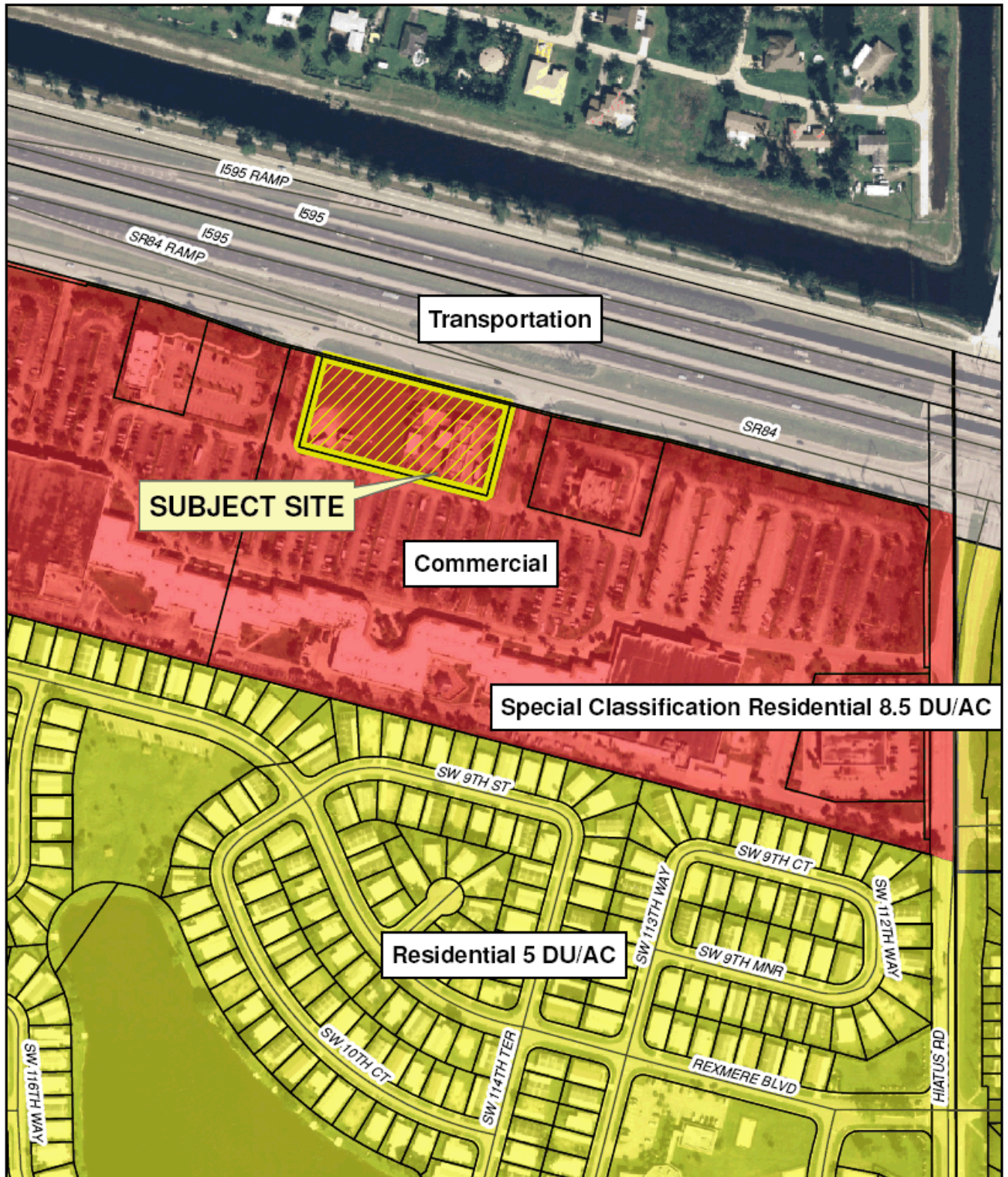
ACKNOWLEDGEMENT:

STATE OF FLORIDA, ss
COUNTY OF BROWARD, ss

THE FOREGOING DEDICATION WAS MADE AND ACKNOWLEDGED BEFORE ME ON BEHALF OF THE
BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC., A
FLORIDA CORPORATION, IN AND FOR THE
COUNTY OF BROWARD, FLORIDA
BY: *[Signature]*
SHERA, SERVICE CORPORATION, INC.
PRESIDENT



Exhibit (*Future Land Use Map*)

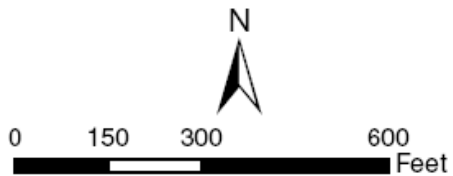
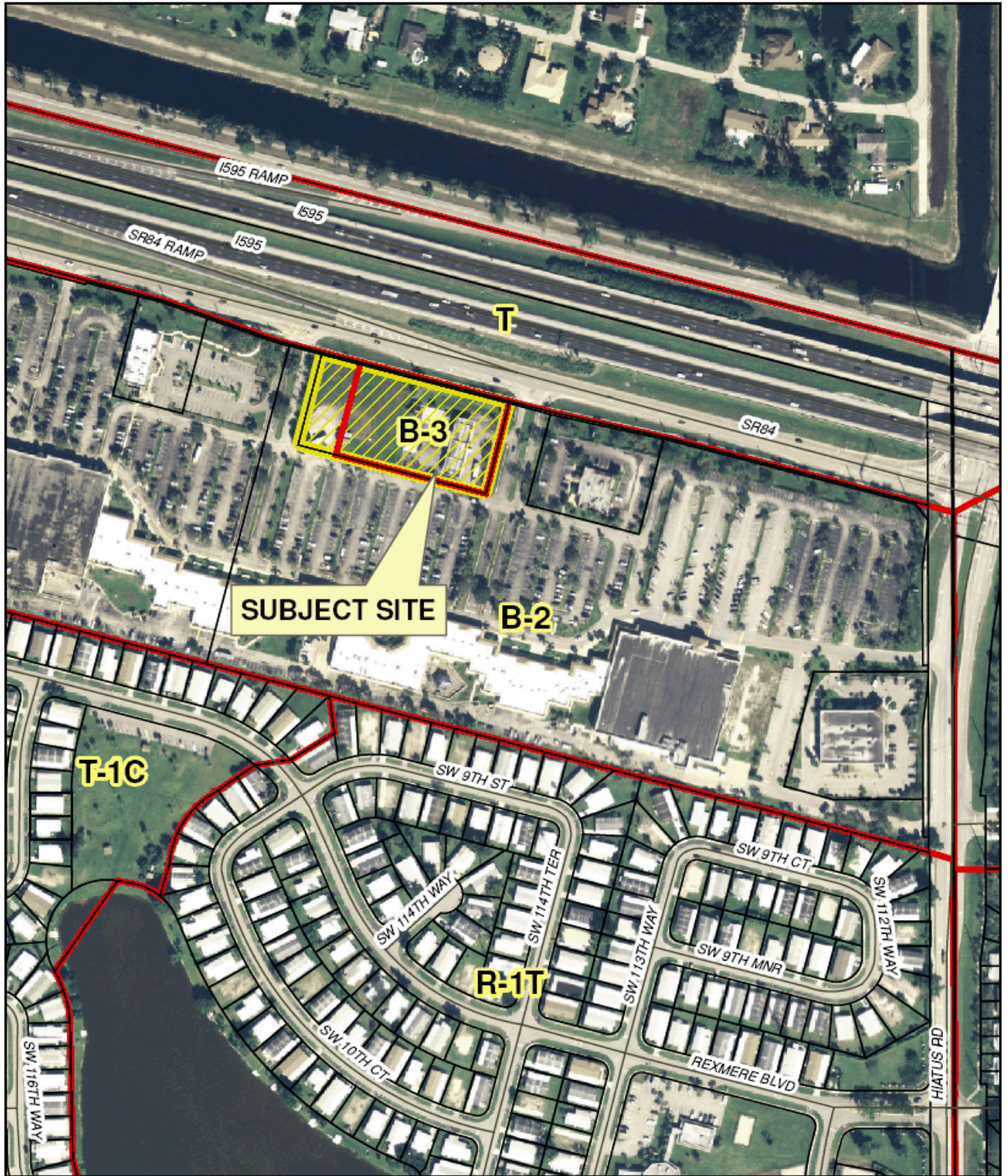


Prepared by the Town of Davie GIS Division

Delegation Request
DG 10-1-07
Future Land Use Map

Prepared by: ID
Date Prepared: 12/10/07

Exhibit (*Aerial, Zoning, and Subject Site Map*)



Prepared by the Town of Davie GIS Division

Delegation Request
DG 10-1-07
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 12/10/07

